

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.: 1:06-cr-00076
)	
CHIAN SPIRIT MARITIME)	
ENTERPRISES, INC.,)	
VENETICO MARINE S/A)	
IRENE E/M, Evangelos MADIAS,)	
Christos PAGONES, Adrien)	
DRAGOMIR)	
)	
Defendants.)	

**MOTION TO ALLOW DEPARTMENT OF JUSTICE ATTORNEYS TO
APPEAR WITHOUT LOCAL COUNSEL**

Pursuant to 28 U.S.C. §§515, 517 and 518, the United States respectfully moves this Court for an Order allowing Department of Justice Attorneys, Mark Kotila, Esq. and Jeffrey Phillips, Esq., to appear before this Court without local counsel. Additionally, the United States requests that Mr. Kotila and Mr. Phillips be provided with an electronic filing password so that they can remotely file pleadings with this Court. In support of this motion, the United States provides the following:

1. That statutes of the United States allow the Attorney General to send its attorneys to state and federal courts throughout the nation. 28 U.S.C. §515 (the Attorney General or any other officer of the Department of Justice may conduct any kind of legal proceeding which United States attorneys are authorized by law to conduct, whether or not he/she is a resident of the district in which the proceeding is brought); 28 U.S.C. §517 (any officer of the Department of Justice may be sent by the Attorney General to any State or district in the United States to attend

to the interests of the United States in a suit pending in a court of the United States, or in a court of a State); 28 U.S.C. §518 (the Attorney General may direct an officer of the Department of Justice to conduct and argue any case in a court of the United States in which the United States is interested). Thus, to the extent that Local Rule 83.5 of this Court requires that Department of Justice attorneys based in Washington, DC associate with local counsel, it would appear to conflict with the above-referenced statutes. See Fed. R. Civ. P. 83(a)(1) (local rules must be consistent with Acts of Congress). Accordingly, the United States respectfully requests that, in this particular case, the Court waive the local counsel requirement of Local Rule 83.5.

2. In this matter, the Attorney General has assigned primary responsibility for this case to the Department's Environmental Crimes Section in Washington, DC. In turn, the Environmental Crimes Section has designated Mr. Kotila and Mr. Phillips as lead attorneys.

3. Mr. Kotila and Mr. Phillips have been actively involved in the prosecution before the Grand Jury and have appeared on several occasions before this Honorable Court in conjunction with this matter. Additionally, Mr. Kotila and Mr. Phillips deposed several witnesses under Fed. R. Crim. P. 15.

Accordingly, for the reasons set forth above, the United States respectfully requests that Department of Justice Attorneys Mark Kotila, Esq. and Jeffrey Phillips, Esq. be allowed to appear before this Court without local counsel and that they be provided with electronic filing passwords so that they can remotely file pleadings with this Court. A proposed order is attached hereto.

Respectfully submitted,

SUE ELLEN WOOLDRIDGE

Assistant Attorney General

By: /s/
Mark Kotila, Esq.
Senior Trial Attorney
Environmental Crimes Section
Department of Justice
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20004
(202) 305-0381

 /s/
Jeffrey Phillips, Esq.
Trial Attorney
Environmental Crimes Section
Department of Justice
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20004
(202) 305-0354

Certificate of Service

I hereby certify that on August 10, 2006, copies of the foregoing was made by electronic filing to: George Chalos, Esq., Fowler, Rodriguez & Chalos, 366 Main Street, Port Washington, New York 11050; Carl Woodward, Esq., Five Becker Farm Road, Roseland, NJ 07068.

 /s/
Jeffrey Phillips, Esq.

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

No.: 1:06-cr-00076

CHIAN SPIRIT MARITIME

ENTERPRISES, INC.,

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IRENE E/M, Evangelos MADIAS,

Christos PAGONES, Adrien

DRAGOMIR

Defendants.

ORDER

UPON CONSIDERATION of the United States' motion to allow Department of Justice Attorneys Mark Kotila, Esq. and Jeffrey Phillips, Esq. to appear without local counsel, the reasons stated therein, and the entire record herein, it is this _____ day of _____, 2006 hereby

ORDERED that the United States' motion should be and hereby is granted; and it is,

FURTHER ORDERED that, for this matter only, Local Rule 83.5(d) is waived, and Department of Justice Attorneys Mark Kotila, Esq. and Jeffrey Phillips, Esq. are not required to associate with local counsel nor is the United States Attorney's Office required to sign pleadings nor attend proceedings with them; and it is,

FURTHER ORDERED that the Clerk's Office provide Department of Justice Attorneys Mark Kotila, Esq. and Jeffrey Phillips, Esq. with an Electronic Filing Log-in and Password so that they may file pleadings in the court without the participation of the United States Attorney's Office.

UNITED STATES DISTRICT JUDGE